

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OLYMPUS SECURITIES, LLC,

Plaintiff,

- against -

UNITED FIBER & DATA, LLC,

Defendant.

Case No. 16-cv-01931 (VEC)

**DECLARATION OF
JULIA R. LIVINGSTON
IN SUPPORT OF
OPPOSITION TO MOTION
TO DISMISS**

I, Julia R. Livingston, hereby declare under penalty of perjury:

1. I am an associate at the law firm Fried, Frank, Harris, Shriver & Jacobson LLP, which represents plaintiff Olympus Securities, LLC (“Olympus”), in the above-captioned matter. I respectfully submit this declaration in support of Olympus’s opposition to defendant United Fiber & Data, LLC’s (“UFD”) motion to dismiss Olympus’s complaint.

2. In connection with my representation of Olympus in the above-captioned matter, I participated in a conference call with, among others, UFD’s corporate counsel, Andrew Paxton, on April 27, 2016.


3. Among other things, Mr. Paxton claimed that UFD had not closed on the \$30 million financing that Chad Taylor, one of UFD’s principals and founders, told Olympus about in October 2015.

4. Mr. Paxton also stated that UFD intended to file a Form D with the U.S. Securities and Exchange Commission on April 29, 2016, and that UFD subsequently expected to close on \$30 million in equity financing within the next month (*i.e.* May 2016) in connection with that financing.

5. Mr. Paxton further stated that UFD had already raised between \$2 and \$2.5 million in debt financing from Mr. Appell in or around December 2015, and that UFD had executed a promissory note with Mr. Appell to memorialize that debt.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 19, 2016

By: 
Julia R. Livingston